

**TOWN OF BUCKSPORT
BOARD OF APPEALS**

APPLICATION FOR APPEAL

NAME _____
 MAIL ADDRESS _____
 TELEPHONE _____ E-MAIL _____

TYPE OF APPEAL: (check where applicable) ☐ ADMINISTRATIVE ☐ VARIANCE

ADMINISTRATIVE APPEAL

This administrative appeal concerns a decision, order, action or non-action of the: (check one)

☐ Code Enforcement Officer ☐ Planning Board ☐ Town Council

I believe that: (check where applicable)

- ☐ an error was made in a decision to deny a permit, license or waiver.
☐ an error was made in a decision to issue a permit, license or waiver.
☐ a decision, order, action or non-action was based on a misinterpretation of an ordinance.
☐ (other basis of appeal)
- _____

Please attach any further documentation in support of your administrative appeal to this application.

VARIANCE APPEAL

(skip this section if you are applying only for an administrative appeal)

This variance appeal concerns a requirement of the following town ordinance: (check one)

- ☐ Appendix H Sign ☐ Appendix K Land Use
☐ Appendix D Floodplain Management

Property Address: _____ Tax Map _____ Lot _____

Please describe your variance request(s).

Please attach any further documentation in support of your variance appeal to this application. A site plan identifying property lines and building sites must be submitted for setback variance appeals. See the Code Enforcement Officer for additional information.

VARIANCE REQUEST OPTIONS

UNDUE HARDSHIP VARIANCE: The Board of Appeals may grant a variance when strict application of the zoning ordinance to the appellant and the appellant's property would cause undue hardship. An undue hardship is proven when the applicant has met the criteria below.

Please explain below, or on a separate sheet, how each of the following criteria is applicable in your variance appeal:

1. The land in question cannot yield a reasonable return unless a variance is granted.

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

3. The granting of a variance will not alter the essential character of the locality.

4. The hardship is not the result of action taken by the applicant or a prior owner.

DISABILITY VARIANCE: The Board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. Please describe the requested variance:

The Board shall restrict any disability variance solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the

same meaning as a physical or mental handicap under Title 5, M.R.S.A. § 4553 and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

SINGLE-FAMILY DWELLING SETBACK VARIANCE: The Board may grant a setback variance for a single-family dwelling. A variance from a setback requirement may only be granted when strict application of the zoning ordinance to the appellant and the appellant's property would cause undue hardship. An undue hardship is proven when the applicant has met the criteria below.

Please explain below, or on a separate sheet, how each of the following criteria is applicable in your variance appeal:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

2. The granting of a variance will not alter the essential character of the locality.

3. The hardship is not the result of action taken by the appellant or a prior owner.

4. The granting of the variance will not substantially reduce or impair the use of abutting property.

5. The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

A single-family dwelling setback variance may only be granted for a single-family dwelling that is the primary year-round residence of the appellant. A variance may not exceed twenty percent (20%) of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. A variance exceeding twenty percent (20%) of a setback requirement may be granted if the appellant has obtained the written consent of affected abutting landowners, except a variance exceeding twenty percent (20%) of minimum setbacks from a wetland or water body required within any shoreland district may not be granted.

DIMENSIONAL STANDARDS VARIANCE: The Board may grant a variance from the dimensional standards of a zoning ordinance when strict application of the ordinance to the appellant and the appellant's property would cause a practical difficulty. A practical difficulty is proven when the applicant has met the criteria below.

Please explain below, or on a separate sheet, how each of the following criteria is applicable in your variance appeal:

1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.

3. The practical difficulty is not the result of action taken by the appellant or a prior owner.

4. No other feasible alternative to a variance is available to the appellant.

5. The granting of a variance will not unreasonably adversely affect the natural environment.

6. The property is not located in whole or in part within a shoreland district.

As used in this section, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements, and "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the appellant to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the appellant.

I certify that the information contained in this application and attachments is true and correct to the best of my knowledge.

Date _____ Applicant _____

Please return this application to the Code Enforcement Officer, Bucksport Town Office, 50 Main Street, P.O. Drawer X, Bucksport, ME 04416. You will be notified of the time and date of the hearing on your appeal. Any application fee that may be required must be submitted with the application.

OFFICE USE ONLY

DATE RECEIVED _____

APPLICATION FEE _____

DATE PAID _____

HEARING DATE _____

PUBLIC NOTICE DATE _____